HAVANA POLICE ACCUSED.

SAID TO BE CORRUPT, INCAPABLE AND DOMINEERING.

Gen. Wood Investigating the Fatal Sheeting of a Discharged American Soldier and the Arrest of a Spanlard Who Refused to Take Off His Hat to Gen. Gomez. Special Cable Despatch to THE SUN .

HAVANA, April 17.-For several months there have been complaints in the press that the police of Havana were not only becoming corrupt, but were also domineering and trampled on the rights of the people. It was said that no matter what they did they were upheld by the police court, which took this course to strengthen the force.

There has been a tendency on the part of many individuals on the force to become insolent and to arrest Cubans and Americans on the slightest provocation or for the slightest offence against their dignity. Burglaries, especially in the suburb of El Vedado, have been of everyday occurrence, but were not followed by arrests. On the other hand if a man accidentally jostled a policeman he was immediately arrested and usually fined on an exaggerated charge in the police court.

This was one of the reasons for the opposition against Gen. Wood's order increasing the powers of this court. The people began to believe that the police had too free a hand for the public good. Two occurrences happened lately which have deepened this impression, one occurring directly in the court and the other on the street, showing in the police a defiance of law and decency, probably the result of too generous backing by the American authorities. The day Gen. Gomez sailed for Santo Do-

mingo there was a crowd on the wharf. Among them was a Spaniard, who has been here seven months. The Cubans cheered and lifted their hats as the steamer left the harbor, but the Spaniard kept his hat on. The Cubans yelied for him to remove it, but he refused to do so. A policeman then ordered him to take off his hat and when he again refused the officer removed it and arrested the man when he objected. Capt. Cassier, who was acting as Judge in place of Capt. Pitcher, fined the Spaniard \$10 for disturbing the peace. Gen. Wood is investigating this case on the theory that there are no kings in Cuba.

The other case is more serious. On Sunday night John J. Welsh, a discharged soldier of the Tenth Infantry, was shot and killed by a policeman. The official report said that Welsh was shot in self-defence, he having taken the emb from the policeman. Capt. Carrington of the First Infantry happened to be driving by and saw the whole difficulty. He has made a statement that the shooting was murder. Welsh was staggering drunk and did not attack the policeman. The latter could have easily handled him. Capt. Carrington's story is privately corroborated by Cubans living opposite the scene of the shooting. The Cubans, however, are afraid to testify as

The case is being officially investigated The policeman is only 19 years old. There are many others even younger, and they lack judgment, discretion and physical strength. The total registration of Spaniards under the provisious of the Treaty of Paris is 68,869.

MAJOR-GEN. LUDLOW ARRIVES. Havana's Military Governor Is on His Way to Washington.

Major-Gen. William Ludlow, Military Governor of the city of Havana, arrived vesterday from the Cuban capital aboard the Ward liner Havana. He went to his home in Flushing and will report at Washington to-morrow. His duty at Havana ends on May 1.

Other passengers by the Havana were Capt. "Johnny" O'Brien and M. J. Coronado, editor

THEY MARRIED FOR A JOKE. Didn't Want to Be Married and the Supreme Court Unties Them.

The marriage of James Harold Fraser, son of James H. Fraser, to Lucia Fessenden Huxford of Washington in this city on Nov. 17, 1808, was annulled by Justice Bischoff of the Supreme Court yesterday on application of David Welch, counsel for the groom. The boy was a student at Columbia College, under 16 was a student at Columbia College, under 19 years of age, when he met Miss Huxford, five years his senior. They became friendly and he escorted her on several occasions. When they met the day of the marriage he asked what they should do that day and she suggested, as he says, that they get married for fun. They went into the studio of an artist friend in West Twenty-third street, where they summand a young friend, who summoned a young friend, who ust been admitted to the min-and were married. Fraser said Miss summoned Huxford, like himself, considered the matter a joke throughout and she went soon afterward to Washington and did not even write to him. s now studying medicine in the Univer-of Pennsylvania. He recently spoke of the to his father, who thought there was igh seriousness in it to consult a lawyer,

REINSURANCE RESERVE TAXABLE. In a Going Concern, Says the Court, It Is

In assessing for 1899 the personality of the

National Surety Company the Tax Commis-

sioners refused to deduct from the assets of \$1.359.817.24 an item of \$208.000 as an indebtedness or liability. It was stated to be serve, as required by law, being the amount necessary to reinsure outstanding risks." The ny went to law and Justice Leventritt lay decided in favor of the commisalge says that this amount is used as

es says that this amount is used as its otherwise named as a mere item sping. It is not such a liability as on the tempong. It is not such a liability as on the amount of assets. If it, whose business is partit to guarbility of persons holding posts of going out of business, the amount would be necessary to protect policy-reinstrance of the risks, but that y is too remote to constitute it a dithe idea is inconsistent with the decorporation, which is to continue is

BACHELOR'S BOYS GET THE MONEY. \$20.000 Apiece for Four of Them, \$210.000

The will of William Arenfred of 301 East Seventeenth street, the bachelor who left the bulk of his estate of \$300,000 to five of the many boys he had picked up about the city for companionship, was admitted to probate by Surrogate Thomas yesterday. The only relative remembered was Arenfred's cousin, Annie Giver, who receives a bequest of \$10,000. Thirty-eight other cousins were interested in the contest of the will. Bequests of \$20,000 each will now go to Oscar Herbst, Arthur E. Smith, Otto Jacob and Louis Hofecker. The rest of his estate goes to William Gast, who latterly assumed the name William Arenfred, Jr.

Gas Explosion Spoils a Trip to Europe.

Agas explosion in the house of Frederick eninghaus at 303 West Seventy-second street resterday morning started a fire which did \$4.000 damage. Mr. Hoeninghaus and his wife were racking their trunks for a trip to Europe when the explosion occurred. Refore the fire that the trip would be delayed indefinitely. The explosion occurred when a servant entered a room which had not been used regently and struck a match, igniting gas which had escaped from a broken fixture.

Old Guard's Installation of New Officers.

The installation of the new officers of the Old Guard will take place on Saturday evening at the armory. Broadway and Forty-ninth street, under the direction of Major S. iggs, who has just been redlected Comander for a fourth time. Adjutant-General Iman o' Gov Roosevelt's staff will review Guard will attend St. Thomas's h, where a special service will be con-i by the Rey, J. Wesley Brown, Chaplain

New President of the North Classis. he North Classis of the Reformed Church met resterday in the Kent Street Reformed Church, Greenpoint, and elected the Rev. Lewis Francis as President in place of the Rev. Alexander Shaw of Long Island City.

ELEVATED AT THE BATTERY. Indecisive Conference-Manhattan to Make

Proposition Next Week. There was another conference at the Arsenal n Central Park yesterday between Park Commissioner George C. Clausen and representatives of the Manhattan Elevated Railroad in regard to moving the elevated structure from Battery Park. It had been announced that this was to be the final conference, but when the meeting adjourned it was said that no de-

cision had been reached.

Those representing the Manhattan Company were Vice-President Alfred Skitt and the counsel for the company, Julien T. Davies and Delancey Nicoll. With the Park Commissioners were Secretary Willis Holly, Chief Engineer Edward Miller, Landscape Gardener N. J. Rose, and Landscape Architect John De Wolf. According to a statement issued after the meeting two plans were discussed. Both provided for a station in the northeast corner of the Park and preserved the present facilities leading to the South Ferry. One plan proposed that the road should leave the northeast norner of the Park, turning into State street north of Bridge street and thence through State street to the southeast corner of the park. The other plan proposed that the road should be placed upon the westerly sidewalk of State street. The representatives of the Manhattan company offered to accept the latter plan and with the cooperation of the Commissioner to ask for legislation that would insure the permanent occupation of this route. The Commissioner, however, did not consider the proposition as likely to remove the road sufficiently from the park, and insisted that the plan by which the structure would be agreed to by the Manhattan company. The representatives of the company, while conceding that the State street route was practicable from an engineering and operating point of view, and that it had been prepared in a conference of engineering and operating point of view, and that it had been prepared in a conference of engineers from both sides, pointed out to the commissioner the legal difficulties and the probable opposition of property owners and declared that those obstacles rendered the plan timpossible of execution. The commissioner said he was not convinced of that.

The result of the conference was an agreement that the situation should be explained to the Executive Committee of the Manhattan company at its meeting next Tuesday. A written communication will be sent to the commissioner after the meeting, stating precisely what the company would undertake to do; it being understood that the commissioner distinctly refused to agree to the proposition made by the Manhattan representatives to put the road in the street. It was understood that any new erection to take the place of the present structure should be adapted for electrical operation only. Mr. Skitt said he expected that the neeting two plans were discussed. Both provided for a station in the northeast corner of

FILICIDE GIVES HIMSELF UP. August Broges Says He Stabbed His Son in

Self-Defence. August Broges, who stabbed his son to death on Monday night at their home, 57 South Second street, Williamsburg, surrendered himself to the police early yesterday morning. He had been hiding in a lot near his house and in his possession was found the knife with which he had stabbed his son. Broges told the police that it was only when his own life was in danger that he defended

his own life was in danger that he defended himself. He added it was not his intention seriously to injure his son.

"For a long time," the old man said, "my son had designs on my life. He was of a quarrelsome disposition, and on Monday when I lay down on my bed he tried to drag me off. I warned him then that unless he stopped annoying me I would take steps to make him. He simply laughed at me. Why, two weeks ago he struck me in the face and knocked out some of my teeth. He had a dog with him when he came home last night, and he got this dog fighting with a pet cat. It was when I objected to the brutality that he attempted to strike me and I defended myself."

Broge's son, George, whom the police detained as a witness, corroborated his father's story. Both men were arraigned in the Lee avenue police court, where the old man was committed without bail by Magistrate Brenner pending a hearing on Friday. The son was held in \$200 bail.

JOSEPH BYRNES DISCHARGED.

Heir to a Big Estate Not Held on Attempted

Suicide Charge. Joseph Byrnes, the Manhattan lawyer who was arrested on the Prospect Park plaza in Brooklyn on the night of March 31 after sending a bullet through his scalp, was arraigned before Magistrate Worth in the Gates avenue court on a charge of attempted suicide. He appeared to be demented and Lawyer Charles Straus explained that his friends desired to have him committed to an asylum at White Plains. After conferring with Building Com-Figure 3. After conterring with Building Commissioner Thomas J. Brady of Manhattan and Building Commissioner John Guilfoyle of Brooklyn, who appeared in the interest of Mr. Byrnes, Magistrate Worth dismissed the complaint. Liwyer Straus told Magistrate Worth that Mr. Brynes is the sole heir to the estate of the late Matthew Byrnes, which is estimated to be worth \$4,000,000. Some time ago the United States Title and Trust Company and Mr. Byrnes became involved in a dispute over the Byrnes became involved in a dispute over the property, and when it was taken out of his hands pending a settlement his mind is said to have become unbalanced. He has a wife and young child.

TWO \$10,000 JUDGMENTS.

One for a Shortened Leg and One for a Lost

A Sheriff's jury in Brooklyn has awarded to Floyd Ackerson, 13 years old, \$10,000 damages in his suit against Charles Ferber for personal injuries. While the boy was riding a bicycle in Lafayette avenue on March 16 a truck owned by the defendant knocked him down and two wheels passed over his left leg, causing a compound fracture. He told the pury that his leg "felt like a cork leg now, 'cause it was much shorter than the other and was a Yesterday a jury in the Supreme Court awarded David P. Hennessy a similar amount in his suit against the Brooklyn Heights Raji-road Company for the loss of a leg in a trolley

ANOTHER DEFEAT FOR MR. IVES The Court Decides Against Him in the Suit

Over a Block Letter Book.

The Appellate Division in Brooklyn has affirmed a verdict for the defendant in the suit of Brayton Ives against Gilbert I. Ellis and Robert V. Elvey, dealers in rare books. The book which formed the subject of the litigation. Columbus's description of his first American discoveries, printed in block letter, was bought by Mr. Ives from the defendants about ten years ago for \$4,500. Mr. Ives contended that the book was a reproduction, though bought for an original edition.

To Build a Public Wharf at Glen Cove Landing.

GLEN COVE, L. I. April 17 .- The Board of Supervisors of Nassau county adopted a resolution yesterday empowering the Town Board of Oyster Bay to issue bonds for the building of a public wharf at Glen Cove Landing. It is said the new wharf will cost about \$6,500. Ever since Senator James Norton succeeded in having a bill passed authorizing the construction of public wharves in Nassau county there has been a general uprising of the residents in the villages along the Sound against dents in the villages along the Sound against the measure. They do not want the wharves built because they object to the landing of Sun-

Divorced From Her Hussar Count.

Anna Von Bradsky of this city, who has lived with her family in Dresden for several years, obtained a decree from Justice Bischoff of the Supreme Court yesterday dissolving her marriage to Count Ottokar Von Bradsky, First Lieutenant of the Royal Saxon Hussars. Minnie Ruff of Frankfort-on-the-Main was named as corespondent. The Count did not defend the action. His wife did not ask for allmony. The decree gives her permission to resume her maiden name. Thoss. They were married in 1880 on a flying trip to this city, returning im-mediately to Germany. mediately to Germany.

Banquet to Commemorate Grant's Birthday. On the anniversary of the birth of Gen. U. S. Grant, April 27, the usual banquet to commemorate the day will take place at the Waldorf-Astoria. The Hon, Elihu Root, Secretary of Astoria. In Hohn, Liniu Root, Secretary of War, will preside, and among the speakers will be the Rev. Dr. M. W. Stryker, President of Hamilton College, the Hon. Smith McPherson of Iowa, the Hon. Albert S. Berry of Kentucky and Gen. James Grant Wilson. George H. Taylor of 31 Nassau street is the secretary of the Committee of Arrangements.

New Trust Company Building for Brooklyn. The Nassau Trust Company of Brooklyn has acquired property on the southwest corner of Bedford avenue and Broadway, upon which will be erected a five-story fireproof building.

TRIUMPH OF M'GURK.

DIVEKERPER BEATS THE DISTRICT ATTORNEY'S EVICTION CASE. Capt. Diamond Couldn't Swear That "Suicide

Hall" Was Disorderly and Detectives Who Had So Sworn in Another Case Couldn't Be in Court - Proceedings Dismissed. John McGurk, proprietor of the notorious "Sutcide Hall," at 295 Bowery, won out yesterday in dispossess proceedings brought against him pefore Civil Justice Roesch in the Fourth Municipal District Court by Romeo H. Schile owner of the Bowery building. Detectives Larkin and McCarthy of the Fifth street station, who were expected to furnish evidence on which McGurk could be discossessed from the premises, failed to appear in answer to subpornas. It was explained that they were compelled to attend in the Court of General Sessions. The only other witnesses

men Hackett and Pfietfer of the Fifth street station. and they could furnish no evidence against the The court room was crowded with politicians from Senator Timothy Dry Dollar Sullivan's district in. which McGurk's place is located. Law

against the place were Capt. Diamond and Police-

from Senator Timothy Dry Dollar Sullivan's district in which McGurk's place is located. Law yer Leopold Harburger, son of the Tammany district leader, appeared for McGurk, and Lawyer George M. Schultz appeared for Schile. The proceedings were begun about the midde of March under an order sent to Schile by District Attorney Gardiner calling on him to obey the law against disorderly houses by clearing out McGurk. To do it Schile was furnished with affidavits made by the two detectives in the case of a man named Furnan in whose name McGurk's license stood, and whom they had charged with keeping a disorderly house on the premises.

As the detectives were not present their affidavits could not be accepted as evidence. Capt Diamond testified that while he had read in the newspapers that disorderly women frequented McGurk's, he could not savar positively that that was so. Policeman Hackett swore that he had frequently arrested women in front of McGurk's, but could not say that they had came out of the place. Policeman Pfieffer's tale was that he had gone into McGurk's and had seen there women whom he had arrested as prostitutes, but he could not remember whether or not the women had been convicted.

Justice Roesch announced that he could only go upon the evidence presented to him and dismiss the proceedings, as it had not been proved that the place was a disorderly resort.

McGurk was warmly congratulated on his victory. Lawyer Schultz said that the subpornas for Larkin and McCarthy had been served on them nine days ago, and it was a remarkable coincidence that they were unable to arrange to appear. "They could not have gone back on their affidavits if they had," he observed, "so their presence would have clinched the case against McGurk."

William Strauss, a bartender, formerly employed in McGurk's place, was sent to the Elmira Reformatory yesterday, by Judge Newburger in the Court of General Sessions for robbery. Straussis 27 years old. The other is under age. On March 10 Samuel Cohen, of 349. East Eighty-fourth str bery. Strauss is 27 years old. The other is under age. On March 10 Samuel Cohen, of 349 East Eighty-fourth street, met Strauss and was taken by him and McKenzie to see the sights, one of which was McGurk's. Cohen alleged that after several drinks there he was drugged and robbed of \$224. The police gave Strauss a bad record. McGurk sent word that he had disowned his nephew.

AUCTION PRICES OF OLD WINES. Connoisseurs and Dealers Bid for Keteltas

A few white-haired old New Yorkers mingled with a score of wine dealers in sampling the old sherries and Madeiras belonging to the estate of Eugene Keteltas as a preliminary to an auction sale of the entire stock yesterday forenoon. A large proportion of these wines were bought by Mr. Keteltas for his private cellars in 1839 and some of them were declared to be more than one hundred years old. The sale was conducted by Du Vivier & Co. in Townsend & Montant's salesrooms, 87 and 80 Leonard street. Representatives of the Ketaltas estate said that the prices were ridiculously

Thirty-two bottles of Ferdinand sherry, said to be the very last of a celebrated Montillo win e brought \$5 a bottle and were taken in small lots by three different persons. The other old sherries commanded from \$1.25 to \$2.75 the bottle. There was more spirited bidding for the Madeiras. One lot of eleven bottles of the vintage of 1828, said to have been purchased from John Hone, Jr., in 1836, was bid in by James A. Montant at \$5 a bottle. Mr. Montant bought several small lots of other wines for different friends. From \$2.50 to \$5 a bottle was paid for 110 bottles of "South Side Wedding Wine. Very old Madeira," by four or five bidders. Judge Charles H. Truax got thirty-two bottles at the lowest price mentioned. J. R. Brown bought seventeen bottles of "Old Gordon" Madeira at \$3 a bottle.

Ten bottles of old whisker, presented by the famous "Faistaff" Hackett to Mr. Keteltas in 1850, were bought by J. J. Wysong at \$3 a bottle. The most eager bidding of the sale was over eleven bottles of old Blue Seal "Rain Water" Madeira. This wine was described as "of the old style of the last century, having been made probably in 1740 or 1750." It was bought by James A. Montant for \$8.50 a bottle. Some peach brandy of 1800, of which there were but thirteen bottles, brought \$10.25 a bottle, and two bottles of old Gibbs brandy brought \$6.50 a bottle. About two-thirds of the wines were purchased by dealers. vintage of 1828, said to have been purchased

RETURN OF A MISSING EXPLORER. Mr. W. J. McLean Comes Back From North

Canada After a Long Absence. It was reported some time ago that Mr. W. J. McLean, a former official of the Hudson Bay Company, and his party had undoubtedly been lost in the desolate region north of Slave Lake, where he had gone in search of minerals in the interest of Chicago capitalists. The report, however, was incorrect, for Mr. McLean turned up at Winnipeg last week, said that his party had suffered no privation, on account of the great abundance of game in the north, and that he had discovered copper ore of much promise in the Atha-

The McLean family is quite famous in the annais of the Hudson Bay Company, and the father of the present Mr. McLean has long been known as the discoverer of the Grand Falls of known as the discoverer of the Grand Falls of Labrador, sixty two years ago. For over a quarter of a century John McLean was constantly traversing the northern parts of Canada, buying furs from Indians and Esquimaux. A part of his diary was subsequently printed and was found to contain many interesting facts about the geography of northern Canada. It was during his ascent of the Grand River, Labrador, that he came to the Grand Falls, where the waters pour over the edge of the inner planer.

he waters pour over the edge of the inner plate with a perpendicular drop of about 200 feet an with a perpendicular drop of about 200 feet and two smaller falls, making the total drop not far from 300 feet. About ten years ago two parties explored this region and surveyed the Grand Palls, and it was the story of their discoveries which brought into public view that part of John Mc-Lean's diary relating to his early visit to the falls.

COOK ACCUSES LETTER CARRIER. Says It Was He Not She Who Opened Letters Held as a Witness.

Kate Maxwell, a cook in the house of Banker Henry B. Laidlaw at 31 West Seventy-third street, was artaigned yesterday before Commissioner Shields on a charge of complicity in the thefts of undelivered letters for detaining which Letter Carrier John J. Bergan of Station N was arrested on Monday. Mrs. Maxwell signed a full confession of her part in the affair in the presence of the Commissioner. She acknowledged destroying the letters, but says that she did not think it wrong as Bergan requested her to do it. The letters found in the coal scuttle, she says, Bergan opened and coal scuttle, she says, Bergan opened and threw there himself. After being instructed in regard to appearing as a witness against Ber-gan she was discharged.

Charity Children at the Circus.

Three hundred Randall's Island charity children, in care of Commissioner Thomas P. Brennan and Mary C. Dunphy, went to the circus vesterday. The smaller young sters rode in Fifth avenue stage coaches, which were packed so full that arms and heads stuck out through doors and windows. At the circus each child got a bag of peanuts and all had an uproariously good time.

An investigation into the cause of the big fire n Newtown Creek on Saturday night, in which two persons lost their lives, was begun by Fire Marshal Brymer at Brooklyn Fire Headquar-ters yesterday. Mortimer R. Revnolds re-peated his charges that the fire was misman-aged by Chief Dale and his men. The charges are being investigated also by Chief Croker.

Salt Water for Fire Purposes

The Merchants' Association has appointed a committee to investigate the subject of an auxiliary salt-water system for fire protection and street cleaning. The committee has assigned Foster Crowell, civil engineer, to make a special report. Fire Commissioner Scannell and Chief Croker are cooperating with the committee in its investigation.

CARNEGIE'S \$6,000,000 R. T. JOB. The Company to Furnish Steel, Iron and Rails

That Will Cost That Much.

The Carnegie Steel Company was the only bidder for the contract to supply all of the structural iron and steel to be used in the Rapid Transit Subway. Other companies. among them the Cambria Steel Company and the New Jersey Steel and Iron Company, of which Abram S. Hewitt is President, bid for contracts to supply limited amounts, One other concern offered to supply the structural steel and iron to be used in the subway and on he vinducts, but did not bid on the rails. The contract awarded to the Carnegie company on Monday did not include the rails, but it is generally understood that the company will supply them in accordance with the terms of second contract drawn up, but not yet awarded. No other company is known to have bid on the rails at all.

According to the terms sent out by the

Rapid Transit Subway Construction Company

with its invitations for bids on the steel and

iron, the contract already awarded to the Car-

negie company calls for 21,729 tons of steel

beam, 20,147 tons of riveted steel and 23,168 tons of steel viaduct. The market price of steel is about 2.4 cents a pound, or about 34 cents, counting cost of labor and of delivery at the city water front. With those figures as a basis, and having in mind the amount of his own rejected bid, the agent of one of the large companies said yesterday that the structural steel and iron afready contracted for would cost the Rapid Transit Subway Construction Company a little over \$4,500,000.

There are yet to be provided 245,514 feet of rails for the tracks in the subway and 59,696 feet for the tracks in the vialuct. According to the same authority these rails will cost another \$1,500,000.

Long before John B. McDonald got the contract to build the subway for \$55,000,000 he had estimates from the Carnege Steel Company and it is said there was a practical understanding that if he secured the job the Carnegie company would turnish the steel, but those early estimates were based upon the much lower prices then prevailing and were rescinded before McDonald got the contract. However, it has been taken for granted all along that the Carnegie company would get the contract from the Subway Construction Company, and in support of that opinion a steel man said yestering that for several months the Carnegie company had been refusing to take small contracts except with the reservation of a leeway of six months or more in which to deliver the goods. beam, 20,147 tons of riveted steel and 23,168

\$1,336,000 CITY WAGES CLAIM. tion Counsel.

An action brought by Patrick J. McNulty to ecover \$1,336,000 from the city under assigned claims of 1,400 drivers of the Street Cleaning Department for alleged work beyond eight hours a day was, on consent of Corporation Counsel Whalen for the city and W. J. Walsh for McNulty, sent by Justice Freedman of the Supreme Court yesterday to Henry W. Bookstaver as referee. This is the largest claim pending against the city. The complaint, which appears to have been

hurrfedly drawn, was sworn to on Jan. 24, 1898. It says that the work of the 1,400 men. who were employed as drivers in the Street Cleaning Department, was performed between Jan. 1, 1892, and April 26, 1894, although the the work done, the sole defence of the city is that of accord and satisfaction, to the effect that the men were employed on a salary which they accepted in full pay for their work—a defence that has already been knocked out by the Appellate Division in the case of an employee of the Park Department. The compliant was worthless because it had not alleged that a demand for the money was made on the Comptroller and that payment was refused or neglected for more than thirty days. An attempt to cure this defect was made Corporation Counsel Whalen signing a consent to waive the defect on condition that McNulty waive interest on his claim. The waiver was signed Jan. 25, 1838. The case has been at issue on the calendar and was about to be reached for trial by a fury when the order on consent was made yesterday to refer the case. The Corporation Counsel consented on the theory that a reference could be compelled on the ground that a "long account," such as the code means, was involved. The Eight-Hour law, under which this action is brought, was not involved in the recent decisions of Justice McAdam and Bischoff which applied to the Prevailing-rate-of-wages law.

JOSIAH MACY'S SONS FAIL.

Firm That Was Anciently at the Head of the

John H. Macy and Edward S. Neal (Josiah Maey's Sons), manufacturers of lard, lubricating oils and similar products at 191 Front street and 366 South street, made an assignment yesterday to Joseph Agostini, commispreference. The business was founded in 1822 and several generations of the Macy family have been interested in it. Years ago, when the whale fisheries business was extensive, the house was largely interested in that branch of the business and was known all over the world. At one time the house owned over thirty whaling vessels, ran ships in the Liverpool trade, and a line from New York to Charleston. The business was founded by William H. Macy as a commission merchant in 1822, and in 1828 his father, Capt. Josiah Macy, became a partner under the style of Josiah Macy & Son. Josiah retired in 1850, and William H. in 1864. The latter was for many years President of the Seaman's Savings Bank and the Leather Manufacturers' Bank; he died in 1886. In 1875 Francis H. Maey and W. H. Maey 2d succeeded to the business. Besides the oil and lard business they were also selling agents for some of the principal Western starch manufacturers. They built an oil factory at 356 South street in 1886. W. H. Maey 2d died in March. 1891, and Francis H. Maey retired in June. 1891, and Francis H. Maey retired in June. 1891, and the present partners. John H. Maey is a nephew of Francis H., and Mr. Neal had been an employee of the firm for many years. They were known in the trade as cash buyers. It was believed that their business for the year 1850 showed a handsome profit, and those best acquainted with their affairs put them down as worth at least \$100,000. In whale oil, years ago, they were the principal firm in the business and in lard oil were supreme. Both partners and the assignment came out, and no one at the office would state what the liabilities or the causes of the assignment were. osiah retired in 1850, and William H. in 1864

Federation of Day Nurseries Conference To-

The Biennial Conference of the Federation of Day Nurseries will begin its sessions this evening in Assembly Hall, United Charities Building. Fourth avenue and Twenty-second street. The speakers will be John W. Keller, Commissioner of Public Charities; Elgin R. L. Gould, Ph. D., of the Tenement House Commission, and Dr. Isabelle Delany. A paper by Mrs. C. R. Lowell will be read, showing the reasons for the need of more nurseries on the lower East Side.

Four Italians Burned to Death in a Fire. SHARON, Pa., April 17 .- Four Italians were burned to death in a tenement house fire at Wampum early this morning. The dead are

Daniel Abbiatte and his three nephews, Pas-Daniel Adolatic and his three nepnews, Pas-tella, Joseph and Erman Abbiatte. The house was occupied by twenty-five or thirty quarry-men and it is supposed the fire started by the explosion of a lamp. The fire spread so rapidly that the men were caught like rats and burned before their rescue could be effected. Run Down and Killed by a Horse Car. A man about 38 years old was run over and instantly killed by a horse car vester-

day morning at Avenue A and Seventh street. The car was bowling along at a good rate ar the man attempted to cross the track ahea He became confused and stood still when h aw the horses were almost upon him

driver was arrested.

JOTTINGS ABOUT TOWN. THE SUN received vesterday \$1 from "Brookly Borough" for the family of Sergt. Robert Douglas who was shot at Croton Dam. George Flanagan, owner of a saloon at 181 Wes End avenue, and his battender were arrested last night in the charge of seiting liquor without a license, flanagan's iteruse expired a few days ago and was not renewed.

not renewed.

A fire which started yesterday morning in the stable of the Whilard Parker Hospital at the foot of Eas styteenth street, was kept under control by the containment and and and short work of it. Only \$150 damage was done. Magistrate Zeller yesterday remanded Fred Smitt 19 Jewett avenue, Jersey City, and Tobias Smitt 110 Second avenue, for examination. The Centra

"If You See It in 'The Sun,' It's So," This is usually as true of an advertisement as of a news or editorial statement."—Adv.

MORRISON MURDER TRIAL.

Witness Declares Mrs. Morrison Told Her

That Her Husband Fired While Dreaming

DEPENDANT ASSURES REPORTERS THAT HE IS INNOCENT.

of Burglars-Both Dreamers and Burglar Are Crasy, Says Dead Woman's Sister WHITE PLAINS, N. Y., April 17.-The trial of Alfred Morrison, charged with murdering his wife on Dec. 28 last at Mount Vernon, was continued this morning. Mrs. Adeline Wells, a neighbor of the Morrisons, said that on the night of the shooting, Morrison awoke her and her husband and said: "Oh, I have shot my wife by accident! Come quick!" Mrs. Wells followed him to the house. She entered the room where Mrs. Morrison sat in a chair, apparently in great pain, although conscious. Morrison said, "Lida, tell her it was an accident. No. tell her just how it happened." Mrs. Wells identified a blue wrapper which Mrs. Morrison wore on which were stains. At this point Morrison jumped up crying out: 'Yes, that's it: my poor wife wore that." He

this point Morrison jumped up crying out:

"Yes, that's it: my poor wife wore that." He
then stepped over to the reporter's desk and
said: "Boys, give me a fair show, I am innocent." He was very excited and his counsel
had to quiet him.

Mrs. Lizzle Sublisky testified that she and
her husband were intimate friends of the Morrisons. He called at their house about half
past ten. They lived three doors away. They
went to Morrisons When they entered the
room Morrison burst out crying and said to his
wife: "Alida, please tell Mr. and Mrs. Sublisky how it all happened." Mrs. Morrison said:
"It was an accident. He was dreaming of
burglars when it happened." Her husband,
who was present, corroborated her. Mrs. Elmira Ihlenberget, a sister of Mrs. Morrison,
who resides at Middletown, N. Y., testified that
Morrison married her sister thirteen years ago
at Middletown under the name of Frederick
Wolfe. She visited them occasionally, the last
time being in August, 1898. They had a
quarrel on that occasion over a shirt
that Morrison said needed repairing. "e
called her foul names, she said. That was the
only time she ever heard them quarrel. Mrs.
Ihlenberger said her sister had a revolver of
her own, which she said she had got Morrison
to buy for her. The witness said she did not
know of the shoting until two days after when
her sister died. She had repeatedly told the
Morrisons they were dreamers and burglar crazy. When she arrived she told Morrison
that it was the result of having pistols. He
replied, "Yes, Mira, God knows I wish we never
had them."

Dr. Frank W. Shipman of Mount Vernon, who
attended Mrs. Morrison, said she told him
that

replied, "res, Mira, God knows I wish we never had them."

Dr. Frank W. Shipman of Mount Vernon, who attended Mrs, Morrison, said she told lim that Morrison shot her while dreaming of burglars. He said that the manner in which Mrs. Morrison was shot in the right shoulder, the bullet coming out of the armpit and again entering the body a few inches lower, indicated that Mrs. Morrison would have to be in a very low stooping possition and not lying in bed. Dr. Weiss, who assisted in the autopsy, made practically the same statement. Charles E. Guy, an insurance agent of Mount Vernon, testified that Morrison called on him to collect \$108 insurance on his wife's life. He thought it was on beg, 30, the day Mrs. Morrison died, but would not swear positively. The trial will go on to-morrow.

WAR SPIRIT IN JAPAN.

Great Confidence Expressed in the Fleet if a Clash Comes With Russia.

SAN FRANCISCO, April 17. - Steamship advices from Yokohama say that it is generally believed throughout Japan that only reluctance to take the first step prevents immediate hostilites between Russia and Japan. The foreign community believes that the war is inevitable, and that the sooner the question is fought out the better. Outwardly everything appears calm in Japan, but telegrams are flying back and forth from Corea.

by Russian aggrandizement in the past few years, Japan would probably be satisfied with "assurances" that there is nothing in the Russian demands upon Corea inimical to Japanese interests. But the Japanese fully understand that a Russian footbold in Corea means ultimately that Russia will dominate the entire peninsula. could seek and obtain concessions from Corea without limit and Japan would make no protest, but Russia has too often shown her hand in her plain intent to dominate in the Orient for Japan pain intent to dominate in the Orient for Japan to put any trust in her promises.

"Japan's great fleet is far superior to that of Russia," says a Yokohama letter, "and her guns would make short work of Russian warships in these waters. The Japanese fleet is in superb trim, and the crews are filled with the war spirit. The Russian fleet is insignificant in comparison with the splendid fleet of sixty Japanese vessels now off on secret mangaures. The whereabouts of this fleet is generally unknown, but the vessels of this fleet is generally unknown, but the vessels.

are within striking distance in case the war bugles

Freight Train Collides With Derailed Coal Car -Fifteen Cars Piled Up. OMERVILLE, N. J., April 17 .- A wreck occurred on the Central Railroad of New Jersey near North Branch station this morning, which completely blocked the road between Easton and Somerville for seven hours. A gravel train standing on the eastbound track sent out a brakeman to flag a mixed freight and coal train drawn by engine 401 and running on the same track. The train stopped suddenly on a down grade and broke in two. A coal car was thrown on the westbound track just as a freight train drawn by engine 341 was passing. The engine crashed into the detailed car and was thrown over on its side. The engineer and freman jumped and escaped with slight and areman jumped and escaped with sight injuries. Fifteen cars were piled up and badly wrecked. The Central passenger trains were run over the Lebigh Valley irom Easton until to-night, when one track was cleared and a passenger train sent through.

LINCOLN H. HYER NOT DROWNED.

One of Our Micaragua Canal Surveyors Goes Insane - Hides on Shipboard.

NEW OBLEANS, La., April 17.-The report that Lincoln H. Hyer, who was connected with the Nicaragua Canal expedition had drowned himself in the Gulf near Port Eads while on the way to this country on the steamship Jarl. proved to be a mistake. Hyer was missing when the Jarl arrived here and it was supposed that he had fallen or thrown himself from the vessel. Later he was discovered in her hold, where he had secreted himself while in a condition of mental, derangement, believing dition of mental, decangement, believing that enemies were pursuing him. Hyer was chief of an engineering party surveying the route of the Nicaragua Canal and was stationed at San Carlos. Here he was taken sick of fever and sent to lithe hospital at Greytown, Nicaragua, whence he was sent home to the United States. showing signs of insanity on shipboard.

MEXICAN RIOTERS KILLED. Troops Fire on a Mob That Tries to Destroy

a New Smelter. DUBANGO, Mex., April 17 .- A mob of miners attempted to-day to demolish a smelter that was being erected at the Alvino mines near here. They fatally wounded the foreman, Charles Forbes, an Englishman. Eurales were sent to the mines on a special train and quelied the riot, killing two members of the mob.

Searched Auditors for Arms at the Colson Murder Trial.

FRANKFORT, Ky., April 17.- The trial of Col. David G. Colson, charged with the murder of Ethelbert Scott and Luther Demaree, began in the Circuit Court to-day. When court convened the Judge ordered all persons disarmed who went into the Court House. The Sheriff at the door searched such persons as applied for entrance. No arms were found, but many persons declined to go in under such orders.

John L. Visits the Death House at Sing Sing. SING SING, N. Y., April 17. - John L. Sullivan was a visitor at the condemned men's quarters of Sing Sing Prison to-day. He had secured permission to interview John A. Wise, one of the condemned men. Wise comes from Boston and is a friend of the champion. It is believed that Wise will escape the chair through a confession of an accomplice. Sullivan is aiding bire.

St. Louis, Mo., April 17 .- While playing 'Wild West" to-day Isaac Steward, 16 years old, shot and instantly killed Arthur Prince, 14 years old. Alexander Bass, aged 15, was the only other person present. Steward and Bass-were arrested. On the former were found two loaded revolvers. Both say the shooting was

Ledvard Will Contest Settled Finally. NEWPORT, R. I., April 17.-The contest over the will of Matilda Cass Ledyard ended to-day in the Supreme Court, when the jary rendered was the true will. The contest over the will had been anicably adjusted, but, this case having been begun, it was necessary to get a verdict from the jury.

Chests of Sterling Silver FORKS AND SPOONS

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THE NUMBER OF NEW DESIGNS which have been brought out this season, and the very moderate prices at which GORHAM STERLING SILVER FORKS AND SPOONS can be purchased, make them of special interest to those who are looking for

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of unquestioned superiority. The patterns are all copyrighted, can be matched at any time, and are sold by the single dozen or in chests containing complete outfits of Knives, Forks, Spoons and all the serving pieces.

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GREAT RAINPALL IN THE SOUTH. Nearly Fourteen Inches in Forty-eight Hours New Orleans Cut Off.

NEW ORLEANS, La., April 17 .- For two days t has been raining almost steadily, accompanied by severe thunder and by a number of minor tornadoes. At 12 o'clock last night the rain began falling heavily in New Orleans and continued without interruption for twelve hours, with a total fall of 61, inches in New Orleans. The rainfall was much heavier at neighboring towns. At Amite, eighty miles distant, the rainfall was 8 inches; at Meridian, Miss., 914 inches, and through the greater part of Louisiana and Mississippi the rainfall ranged from 312 to 8 inches. From noon Sunday to noon Tuesday the total fall was 134 inches in southeastern Mississippi.

The result is a general flooding of the towns and all the low-lying regions, the washing away. of railroad tracks, the destruction of crops and the blowing down of many houses. At New Orleans the Illinois Central, Yazoo and Mississippi Valley, New Orleans and Northeastern and the East Louisiana railroads were tied up by floods and washouts, and a number of persons on their way North and East were compelled to stop over. The New Orleans and Northeastern of the Queen and Crescent City did not run any trains this morning over any of its roads, but fitted out three repair trains which will leave as soon as they can get out. Meridian, the Mississippi terminus of the road, is completely tied up and cut off from all communication with the rest of the world. communication with the rest of the world.

At Vicksburg there is a similar cut off of communication by rail. The Vicksburg, Shreve-port and Pacific is also tied up with a train water-bound at Ruston. On the Illinois Central the track is badly washed away both north and south of Jackson. All the wires along this road are down and it is impossible to learn how much damage has been done. Four washouts are reported between Summit and Canton. The East Louisiana road got in a train this morning. The passengers report having passed through a severa tornado and that the track in many places is covered with ties and telegraph poles which have blown down and which had to be removed to allow the train to pass.

allow the train to pass.

Bay Out Bocul and other streams of central Louisiana are out of their banks. The Tombigbee, Okiubbeha and other rivers in Mississippi are similarly overflowed

JACKSON, Miss., April 17.—Never before was
Jackson so cut off from the balance of the world
as now. Sixty hours' continuous downpour of as now. Sixty hours' continuous downpour or rain caused numerous washouts on the Illinois Central, Alabama and Vicksburg, Mississippi Valley and branches, and since Monday morn-ing no mail train, freight or passenger, has arrived or departed from Jackson. Telegraph lines are down in nearly every direction. Pearl River here is two miles wide. The flood is the most disastrous since 1882.

AMBULANCE HORSE ON A TEAR. Bangs the Ambulance About Till Doctor and

Driver Are Spilled. John Halpin, a stableman in the American Express Company's stables at Forty-eighth street and Lexington avenue, was kicked in the head by a horse yesterday afternoon and Policeman Wetzel sent in hurry call for an ambulance to Flower Hospital. The ambulance left the hospital in charge of Dr. Charles B. Pinkham and Driver Frank McKenna. Going down Third avenue, the horse got beyond McKenna's control. At Fifty-second street the ambulance banged into an elevated pillar, skated across the car tracks, banged into another pillar and then bounced back again for a collision with still another. The third shock knocked Dr. Pinkbounced back again for a collision with still another. The third shock knocked Dr. Pinkham into the street and he landed on his head. It also broke the rear wheel of the ambulance, which went on down the street on three wheels. McKenna was thrown out, but held on to the reins, dragging behind for half a block. Then he was forced to let go. Policeman Phillips stopped the horse a few blocks further down the avenue and sent in a call to the Presbyterian Hospital for an ambulance.

The Prestyterian Hospital ambulance took Dr. Pinkham and McKenna to Fiower Hospital. There it was found that Dr. Pinkham had received a bad cut on the forchead, one over the eye and one at the back of the head. His right leg was also injured, McKennajhad sustained a scalp wound and contastons of the body. The ambulance returned to the stables and took Halpin to the Presbyterian Hospital. He was only suffering from a slight scalp wound.

The accident completely crippied Flower Hospital's ambulance service, another of its ambulances having been wracked by a Second avenue car on Sunday, so Presbyterian Hospital ambulances covered the Flower Hospital district.

A GRASS, WEED AND MUD BOAT. Long Islanders Aim to Navigate Where Depth of Water Is Wanting.

MASSAPRQUA, I. I., April 17 .- A steamboat that is intended for navigation through eel grass and sea weed and over mud flats and sand bars in shallow water is being built for the hotel here by a firm of boat builders in the hotel here by a lirm of boat builders in Canarsie. The boat is on the plan of a side-wheel steamer with the paddle wheels inside the guard rail. It is designed to slide over mud dats and sand bars the same as the scows used by the baymen. It is to be equipped with eighthors—power naptha engines and will carry thirty passengers. The boat will be used in making pleasure trips around the Great South Bay during the summer season and forcarrying passengers between Fire Island and Long Beach.

Requisition for George W. Hull. PROVIDENCE, R. I., April 17.-Gov. Elisha

Dyer signed and caused to be forwarded at once to Gov. Roosevelt a requisition for George W. Hull, the Arizona millionaire mine owner. now under \$10,000 bonds in New York city. The requisition is based upon an act of per-jury, alleged to have been committed here in November, 1859, when he brought a petition for divorce against his wife. Margaret J. Hull, in support of which he made an affidavit de-claring that he was a domiciled resident of Rhode Island and had been for a year before filing of his bill.

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GREENWICH'S SECRET MARRIAGE.

The Mysterious Persons Wed Were Miss Ad Lewis and J. F. Canfield. GREENWICH, Conn., April 17 .- The mysters concerning the identity of the persons married in the office of Charles D. Burnes, Judge of the Greenwich Borough Court, at 6 o'clock last evening, was disclosed this morning when Judge Burnes filed the marriage license with Town Clerk James R. Mead. The bride is Miss Town Clerk James R. Mead. The bride is Miss Ada Lewis of New York, age 25, born in Peru, South America, her father being an American and her mother being English. It is believed here that she is an actress. The bridegroom's name is James Finlay Canfield of New York, aged 48 years, a clerk, native of Illinois, son of John Edwin Canfield, and has been divorced. The couple were in town all of yesterday afternoon looking for a ciergyman to marry them, but were unsuccessful. No preacher here will marry a divorced person since the Belmont-Sloane affair. When finally they reached Judge Burnes's office the bride was overcome and fainted. They left Greenwich as soon as possible after the wedding on a west-bound train.

Ada Lewis, the actress who made a hit in "tough girl" parts has been married since last summer to John Parr, and is now in the West with Rogers Brothers. Theatroal people here do not know any other Ada Lewis who is on the stars.

Banker Benedict Enlarges His Estate.

GREENWICH, Conn., April 17. - Commodore E. C. Benedict has purchased of Mrs. E. D. Benson six acres of land with buildings thereon on Indian Harbor, adjoining the thereon on Indian harrows. Benedict estate. This will enlarge Mr. Benedict's possessions there to 150 acres, with water front on three sides.

The Orchard Point Inn property, consisting of sixteen acres, is also adjacent to Mr. Benedictions. The Orchard Point Inn property, consisting of sixteen acres, is also adjacent to Mr. Benedict's estate and has 1,500 feet of water frontage. It is owned by the estate of Mrs. Henry Heid and has been on the market for ten years. It is understood that at the close of the summer season this property will become Mr. Benedict's and that he will erect a mansion there for his daughter Helen, who is to wed Thomas Hastings on April 30.

Gov. Tanner Improved. SPRINGFIELD, Ill., April 17.-Gov. Tanner's condition was considerably improved to-day over vesterday and last night, when it was feared the Executive was on the verge of a relapse. To-night Dr. L. C. Taylor, the Governor's physician, is satisfied that the attack was only the result of overwork.

Puerto Rican Socialists to Celebrate May Day. The Socialist Labor party in Puerto Rico is have a big May Day demonstration this year and it has invited one member of the American F-deration of Labor and one of the New York Central Labor F-deration to attend it. The Puerto Ricans will pay their expenses.

Army Officers Return From West Indies. Aboard the transport McPherson, which are rived yesterday from San Juan and Santiago. were Gen. A. B. Carey, Col. W. P. Hale, Major J. W. C. Brooks, Major S. A. Day and Capt. H.

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